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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/807,774

04/17/2001

Harald Kaufmann

4626

25889 7590 01/05/2007  
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EXAMINER

CRENSHAW, MARVIN P

ART UNIT

PAPER NUMBER

2854

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/05/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/807,774

Applicant(s)

KAUFMANN, HARALD

Examiner

Marvin P. Crenshaw

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 10/11/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 28 - 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28 - 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Allowable Subject Matter*

The indicated allowability of claims 28 – 33 are withdrawn in view of previous cited reference(s) to Nellessen et al. in view of LaPerre and Nelson. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nellessen et al. in view of LaPerre and Nelson.

With respect to claims 28 - 30, Nellessen et al. teaches applying a reflection ink layer comprising a plurality of reflection particles (Fig. 1, metal coated microspheres) directly onto a substrate and wherein said reflection particles are added to the reflection ink (Fig. 1, printable vehicle) before applying the reflection ink onto the substrate and drying (Fig. 2) the reflection ink layer such that at least some of the reflection particles are raised above the reflection ink layer.

However, Nellessen et al. does not teach applying an intermediate ink layer to a side of said transfer adhesive opposite said base medium.

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LaPerre teaches applying an intermediate ink layer (Fig. 4, 15) to a side of said transfer adhesive opposite said base medium and wherein said ink layer is not clear and translucent (See col. 14, lines 51- 52, optional ink layer may be colored).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nellessen et al. to apply an intermediate ink layer to a side of said transfer adhesive opposite said base medium as taught by LaPerre to provide an improved and efficient way of making a transfer adhesive.

However, Nellessen et al. as modified by LaPerre does not teach the manufacture of a screen print reflection transfer having an adhesive-repellant base medium and a transfer adhesive.

Nelson teaches a process for the manufacture of a screen print reflection transfer (Fig. 1) comprising the steps of initially providing an adhesive-repellant base medium (20), applying a transfer adhesive (14) on the base medium, wherein the transfer adhesive is at least one of heat-sensitive and pressure sensitive, the transfer adhesive is not clear translucent (See col. 2, lines 35 -39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Nellessen et al. to have the adhesive-repellant base medium and a transfer adhesive as taught by Nelson to provide an means for allowing the retroreflective structure to be easily attachable to a substrate.

With respect to claim 31, However, Nellessen et al. does not teach the process wherein said step of applying said transfer adhesive to said base medium comprises applying said transfer adhesive via a screen print process.

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Nelson teaches the process wherein said step of applying said transfer (Fig. 1) adhesive (14) to said base medium comprises applying said transfer adhesive via a screen print process (See col. 2, lines 27 - 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Nellessen et al. to have the adhesive-repellant base medium and a transfer adhesive as taught by Nelson to provide a means for allowing the retroreflective structure to be easily attachable to a substrate.

With respect to claim 32 and 33, Nellessen et al. teaches the process further comprising the step of applying said reflection transfer (Fig. 1, metal coated microspheres). However, Nellessen et al. does not teach the step of using a transfer press.

LaPerre teaches the process further comprising the step of using a transfer press (See col. 8, lines 2 - 14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Nellessen et al. to have the process further comprising the step of using a transfer press as taught by LaPerre to provide a low cost efficient process to make the reflection transfer adhesive.

### **Conclusion**

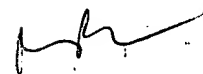
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



MPC

December 21, 2006



JUDY NGUYEN

SUPERVISORY PATENT EXAMINER